

Agency Proposal for Legislation for the 2017 Legislative Session

AGENCY NAME: Department of Labor and Industry

CONTACT/TITLE: Judy Bovington, Chief Legal Counsel

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1. What is the problem or issue?

Amend Incumbent Worker Training (IWT) program to update statutes 53-2-1215 to 1219, MCA. Program requirements no longer make as much sense as they did when program first developed in 2009. Not all areas have active BEAR or SBDC involvement making it hard for some businesses/areas (including some tribes) to apply for and get grants to help grow business.

2. What do you want the legislation to do?

- Change employer definition to "businesses employing ~~20 or fewer workers in this state at any one location~~ but not more than 50 workers statewide."
- Eliminate requirement for recommendation by recommending entity (let employers direct submit instead of going through BEAR programs).
- Eliminate requirement for business to be a client of a recommending entity.
- Remove cover-letter requirement (allow for full online submission).
- Establish employee must be employed 6 months (remove probation clause).
- Clarify must be regular/year round employee, not temp, regardless of F/T, P/T, must work 20 hours/week.
- Remove reference to "source of matching funds," allow employers to match with any money they wish.
- Change all references from "providing training" to "purchasing training," since we don't provide training.

Technical Change - change special revenue account to State.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

§§ 53-2-1215 to 1219, MCA

4. If the proposed change requires additional funding, what funding sources do you propose (e.g., an increase in or both)?

NA

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

NA

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1. What is the problem or issue?

State statute needs to be updated to reflect 2014 changes in federal authorizing law due to the conversion from the WIA (Workforce Investment Act) to the WIOA (Workforce Innovation Opportunity Act)

2. What do you want the legislation to do?

Review and amend the following: MCA 53-2-1202, 1203, 1204, 1205, 1206 and 1207; and MCA 39-6-103, possibly others.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

See above

4. If the proposed change requires additional funding, what funding sources do you propose (e.g., an increase in or both)?

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1. What is the problem or issue?

UI Housekeeping bill to streamline and reduce unnecessary options for appeal routes.

2. What do you want the legislation to do?

39-51-2404. Appeal to board procedure. An interested party who is dissatisfied with a decision of an appeals referee may appeal to the board. The department shall promptly transmit all records pertinent to the appeal to the board. The appeal hearing may be conducted by telephone or by videoconference. When a decision is rendered by the board and copies of the decision are mailed to all interested parties, including the department, that decision is final unless an interested party ~~requests a rehearing or~~ initiates judicial review by filing a petition in district court within 30 days of the date of sending the board's decision to the party's address of record.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

See above

4. If the proposed change requires additional funding, what funding sources do you propose (e.g., an increase in or both)?

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1. What is the problem or issue?

DLI does not have the expertise to regulate a health care facility, so the Private Alternative Adolescent Residential Program (PAARP) should move to DPHHS.

2. What do you want the legislation to do?

Move PAARP to DPHHS instead of DLI.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

§§ 37-48-101, MCA et seq

4. If the proposed change requires additional funding, what funding sources do you propose (e.g., an increase in or both)?

Would increase general fund to DPHHS and eliminate board funding. Program size would remain the same.

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

NA

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AGENCY NAME: Department of Labor and Industry

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1. What is the problem or issue?

The Department and the Montana Petroleum Marketers Association have been meeting for three years to develop a new test plan for meters. They did not feel it was necessary for the Department to continue to try test all retail fuel meters on an annual basis because of the low number that has been out of tolerance and because they felt they were paying too much in fees since Weights and Measures is totally funded by license fees. In addition, they reported they already hire private registered service companies to test and maintain their large capacity meters and they want these companies to be able to test in place of the Department. The proposed legislation would allow the Department to adopt rules to change meter testing in two phases.

2. What do you want the legislation to do?

Phase one would implement a random testing plan on an annual basis for retail meters and would provide meter owners with the option of having all their meters tested by the Department. All other meters would continue to be tested annually by the Department. The license fees would remain in rule and will remain the same. In phase two, retail meters would still be test tested under the random testing plan by the Department and all other meters (except liquefied petroleum gas) would be tested annually by either the Department or by registered service providers. Meter owners will have to decide who will do the testing at the time of renewal or when a new application is submitted. Phase one would be effective January 1, 2018 and phase two would be effective 18 to 24 months after phase one has been implemented. The effective date of phase two would be in rule and would be after the department has had adequate time to evaluate program expenditures and revenues. Following an evaluation of expenditures and revenues, license fees may be adjusted which could result in a decrease in revenue and FTE. The program for registered service providers would be changed to allow more oversight and they would be required to attend training classes and pass a test. An extensive audit/monitoring program of the registered service providers and the locations they are testing would be developed. The Department sent letters to all affected meter owners and conducted eight stakeholder meetings around the State to gather input and did not hear any opposition to the proposed plan.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

§§ 82-15-105, MCA and others in that chapter if necessary

4. If the proposed change requires additional funding, what funding sources do you propose (e.g., an increase in or both)?

NA

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